



California State Board of Education Policy

POLICY #
99-06
DATE
September 2002

WAIVER GUIDELINES

Schiff-Bustamante Standards-Based Instructional Materials Program

REFERENCES

Education Code Sections 60200(g), 60240 et seq., and 60450 et seq.

HISTORICAL NOTES

Originally adopted October 1999. Amended January 2001, February 2001, June 2001, June 2002, and September 2002.

The *Schiff-Bustamante Standards-Based Instructional Materials Program* (Education Code Section 60450 et seq.) appropriates \$250 million in each of fiscal years 1999-2000 through 2001-2002 for allocation to local education agencies (LEAs) on the basis of prior-year enrollment. [The same amount was appropriated for allocation in 1998-99 by the Budget Act of 1998.] LEAs must spend the allocations “for the sole purpose of purchasing instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1-12, inclusive.” For grades K-8, only instructional materials adopted by the State Board of Education using criteria developed subsequent to the adoption of state content standards may be purchased. For grades 9-12, only basic instructional materials that have been reviewed and approved through a resolution adopted by the local governing board as being aligned with state content standards may be purchased.

The State Board of Education notes that other funds, state and local, are available to LEAs for the acquisition of instructional materials that may not be purchased with allocations received under the *Schiff-Bustamante Standards-Based Instructional Materials Program*. For example, a portion of state Instructional Materials Fund allocations received pursuant to Education Code Section 60240 et seq., may be used to purchase non-adopted instructional materials for grades K-8, and that portion may be increased through the petition process established under Education Code Section 60200(g). For grades 9-12, the funds received by LEAs pursuant to Education Code Section 60247 may be used to purchase non-standards-aligned instructional materials.

Accordingly, the State Board of Education expresses its intent to deny any requests to waive the requirement that allocations received under the *Schiff-Bustamante Standards-Based Instructional Materials Program* be used for the sole purpose of purchasing standards-aligned instructional materials as defined therein.

Exception for Mathematics. Until the completion of the Mathematics Follow-up Adoption (which is anticipated in 2003), the State Board expresses two exceptions to the intent to deny waiver requests as set forth above for mathematics instructional materials:

- (1) The first exception involves waiver requests to purchase mathematics instructional materials that are a continuation (extension) of a mathematics instructional materials program that was adopted by the State Board in 2001. Unless previously reviewed for waiver-consideration purposes, a waiver request under this exception needs to include a

California State Board of Education

1430 N Street, Room 5111
Sacramento, California 95814
(916) 319-0827
(916) 319-0176 (fax)



grade-level-specific standards map for the instructional materials to be purchased. The standards map is to be reviewed by California Department of Education (CDE) staff and the chair of the Curriculum Development and Supplemental Materials Commission (Curriculum Commission), or his or her designee, with assistance from mathematics content experts, teachers, school administrators, and other parties, as may be necessary. CDE staff and the Curriculum Commission chair (or his or her designee) are to report to the State Board as to whether the continuation (extension) of the instructional materials program is of comparable quality and sufficiency to the program as adopted. If the instructional materials to be purchased are not of comparable quality and sufficiency, the State Board expects the waiver to be recommended for denial.

- (2) The second exception involves waiver requests to purchase mathematics instructional materials when all of the following criteria are met:
- (A) The instructional materials proposed to be purchased were submitted for the 2001 Mathematics Adoption but were not adopted by the State Board;
 - (B) The schools where the non-adopted materials are to be used were using the same materials (or an earlier copyright version of those materials) at the affected grade levels prior to the 2001 Mathematics Adoption;
 - (C) The materials, though not adopted, provide sufficient coverage that the applying LEA's teachers can teach and students can master the mathematics content standards at the affected grade levels; and
 - (D) Students in the schools where the non-adopted materials will be used have demonstrated exemplary achievement (in total and for all sub-groups) as measured by the Standardized Testing and Reporting (STAR) Program.

For purposes of paragraph (B), "prior to the 2001 Mathematics Adoption" shall mean the fall 2000 academic semester (or corresponding period in year-round schools) and continuously since that time.

For purposes of paragraph (C), unless previously reviewed for waiver-consideration purposes, a waiver request under this exception needs to include a grade-level-specific standards map for the instructional materials to be purchased. This standards map is to be reviewed by CDE staff and the Curriculum Commission chair (or his or her designee), with assistance from mathematics content experts, teachers, school administrators, and other parties, as may be necessary. CDE staff and the Curriculum Commission chair (or his or her designee) are to report to the State Board as to whether the applying LEA's teachers can teach and students can master the mathematics content standards at the affected grade levels using the affected instructional materials. The report is to take into account any mitigating factors (e.g., professional development activities or supplemental instructional materials) to which the applying LEA commits in its waiver request in order to ensure that instruction will be provided in all content standards.



For purposes of paragraph (D), the applying LEA is to provide achievement data for all grade levels (included in the state assessment system) at each school at which the non-adopted instructional materials are to be used, and achievement data for the district as a whole for all grade levels if the materials will be used at more than one school. The school-level and (if necessary) district-level data are to include information from the following sources for all students and for each subgroup (for which there are numerically significant data): Academic Performance Index (API), California Standards Test in Mathematics, and the state's designated achievement test (currently the SAT-9). As appropriate, statewide average data and similar schools data are to be included. To assist LEAs in assembling data with respect to this provision, CDE staff will prepare and distribute charts in which the specified data may be inserted.

If the waiver request is to purchase non-adopted mathematics materials for use in kindergarten and/or grade one (which are not included in the state assessment system), the data for grade two and above shall be reported.

If one or more of the schools at which the non-adopted mathematics materials are to be used does not have reportable data (e.g., because of too few test takers) for some of the data elements, the applying LEA is to include alternative evidence of exemplary achievement that is of comparable quality.

Unless mitigating information becomes apparent in analysis of the achievement data provided with the waiver request, the State Board expects the waiver request to be recommended for denial if mathematics achievement is below the statewide average (for all students and for each subgroup for which there are numerically significant data) on the California Standards Test in Mathematics at the grade levels at which the non-adopted mathematics materials are proposed for use.

Exception for Science. Until the completion of the Science Follow-up Adoption (which is anticipated in 2003), the State Board expresses two exceptions to the intent to deny waiver requests as set forth above for science instructional materials:

- (1) The first exception involves waiver requests to purchase science instructional materials that are a continuation (extension) of a science instructional materials program that was adopted by the State Board in 2000. The waiver requests to purchase science instructional materials must meet all of the following criteria:
 - (A) Unless previously reviewed for waiver-consideration purposes, a waiver request under this exception needs to include a grade-level-specific standards map for the instructional materials to be purchased. The standards map is to be reviewed by CDE staff and the Curriculum Commission chair (or his or her designee), with assistance from science content experts as may be necessary. The reviewers are to report to the State Board as to whether the continuation (extension) of instructional materials program is of comparable quality and sufficiency to the program as adopted. If the



- instructional materials to be purchased are not of comparable quality and sufficiency, the State Board expects the waiver to be recommended for denial.
- (B) Districts are to submit the API data (including growth data) beginning with 1999 for each school at which the non-adopted instructional materials will be used.
- (2) The second exception involves waiver requests to purchase science instructional materials when all of the following criteria are met:
- (A) The instructional materials proposed to be purchased, or an earlier copyright version of those materials, were submitted for the 2000 Science Adoption but were not adopted by the State Board;
- (B) The schools where the non-adopted materials are to be used were using the same materials, or an earlier copyright version of those materials, at the affected grade levels prior to the 2000 Science Adoption, i.e., during the 1999-2000 academic year;
- (C) The materials, though not adopted, provide sufficient coverage that the applying LEA's teachers can teach and students can master the science content standards at the affected grade levels. Unless previously reviewed for waiver-consideration purposes, a waiver request under this exception needs to include a grade-level-specific standards map for the instructional materials to be purchased. This standards map is to be reviewed by CDE staff and the Curriculum Commission chair (or his or her designee), with assistance from science content experts as may be necessary. The reviewers are to report to the State Board as to whether the applying LEA's teachers can teach and students can master the science content standards at the affected grade levels using the affected instructional materials. The report is to take into account any mitigating factors (e.g., professional development activities or supplemental instructional materials) to which the applying LEA commits in its waiver request in order to ensure that instruction will be provided in all content standards. The reviewers are to report to the State Board as to whether the applying LEA's teachers can teach and students can master science content standards at the affected grade levels using the affected instructional materials.
- (D) Students in the schools where the non-adopted materials will be used have demonstrated exemplary achievement (in total and for all sub-groups) as measured by the Academic Performance Index (API) and/or the Standardized Testing and Reporting (STAR) Program.